

Message Text

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ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NRC-05 NSAE-00 TRSE-00

EUR-12 ERDA-05 ISO-00 /030 W
----- 124434

R 041110Z MAR 76

FM AMCONSUL HAMBURG

TO SECSTATE WASHDC 3715

INFO AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY THE HAGUE

AMCONSUL MONTREAL

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMCONSUL ROTTERDAM

AMCONSUL ZURICH

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EXCON

E.O.11652: N/A

TAGS: ESTC GW SW

SUBJECT: KUEHNE & NAGEL, HAMBURG, WEST GERMANY

REF: STATE A-791, OEA COMPLIANCE DIVISION CASE

NOS. 24 (75-1 AND 24 (75)-2

1. AS REQUESTED IN REPAIR, THE POST EXCON OFFICER
CONTACTED MR. BOYSEN OF KUEHNE & NAGEL (K&N), HAMBURG,
TO OBTAIN COPIES OF THE DESCRIBED DOCUMENTS. THE
MEETING WAS FRIENDLY, BUT NOT PRODUCTIVE. MR. BOYSEN
HAD ALREADY BEEN CONTACTED BY MR. SCHUSTER OF K&N, NEW
YORK, AND WAS AWARE OF OUR INTERESTS. BOYSEN AND THE
K&N LAWYER WHO ATTENDED THE MEETING EXPRESSED THEIR
DESIRE TO BE COOPERATIVE, BUT DECLINED TO PROVIDE COPIES
OF ANY DOCUMENTS RELEVANT TO THE CASE. THE K&N LAWYER
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STATED THAT VOLUNTARILY PROVIDING SUCH DOCUMENTS MIGHT

MAKE K&N LIABLE TO A CIVIL SUIT. HE SAID THAT K&N WOULD BE PROTECTED IF THEY WERE ORDERED TO PROVIDE THE CODUMENTS BY FRG AUTHORITIES AND SUGGESTED THAT WE ASK THE FRG TO PROCURE THE DOCUMENTS FOR US.

2. BOYSEN SAID THAT K&N HAMBURG HAD COPIES OF ONLY THE TWO AIRWAY BILLS COVERING SHIPMENTS VIA HAMBURG. HE SUGGESTED THAT U.S. OFFICERS COULD SEE (BUT NOT COPY) DOCUMENTATION ON THE SWISSAIR SHIPMENTS BY CONTACTING MR. (FNU) SCHELLAK OF K&N MONTREAL AND MR. (FNU) BUFF OF K&N ZURICH.

3. BOYSEN ALSO ARRANGED FOR THE EXCON OFFICER TO VISIT THE K&N OFFICERS AT THE HAMBURG AIRPORT TO SEE (BUT AGAIN NOT COPY) THE RELEVANT TWO AIRWAY BILLS AND ONE TRANSFER DOCUMENT WHICH INDICATED THAT THE COMBINED SHIPMENT WAS SENT TO A GENERAL WAREHOUSE IN THE FREE PORT AREA. THE AIRPORT K&N OFFICER SAID THE TRANSFER WAS MADE ON THE STRENGTH OF A TELEPHONE CALL AND THAT HE HAS NEITHER A WRITTEN TRANSFER ORDER NOR A SIGNED RECEIPT. HE SAID A SIGNED RECEIPT FROM THE WAREHOUSE SHOULD BE AT THE K&N CENTRAL OFFICE.

4. COMMENT: MR BOYSEN'S ESSENTIALLY NEGATIVE RESPONSE IS NOT SURPRISING, AS IT REFLECTS STANDARD K&N POLICY, AT LEAST IN HAMBURG. K&N, LIKE MANY OTHER FIRMS HERE, TAKES CONSIDERABLE PRIDE IN PROTECTING THE CONFIDENTIALITY SO OFTEN DESIRED BY SHIPPERS. IN ADDITION, THEIR DESIRE TO BE PROTECTED AGAINST POSSIBLE LAW SUITS BY PRODUCING DOCUMENTS ONLY ON A COURT ORDER SEEMS PLAUSIBLE. THUS, WE BELIEVE THE DESIRED DOCUMENTS WILL BE OBTAINED ONLY BY OBTAINING COOPERATION FROM AN FRG AGENCY. BROGAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, STRATEGIC TRADE CONTROLS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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ISecure: 1
Legacy Key: link1976/newtext/t19760396/aaaadgly.tel
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Margaret P. Grafeld
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